



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TRG
Docket No: 3557-00
15 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 25 March 1983. At that time, you had completed about three years of active duty on a prior enlistment. The record shows that you received nonjudicial punishment on four occasions. Your offenses were three instances of use or possession of marijuana and three instances of disobedience.

Based on the foregoing record of misconduct, you were processed for an administrative discharge by reason of misconduct. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. On 12 October 1984 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. You were so discharged on 25 October 1984.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and your statement, in effect, that you have been a good citizen since discharge. The Board found that these factors were not sufficient to warrant recharacterization of your discharge

given the frequency of your misconduct, and especially your multiple instances of drug abuse. The Board concluded that your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board believes that you may be eligible for veterans' benefits based on your first period of honorable service. Therefore, if you have been denied benefits you should appeal that denial under procedures established by the Department of Veterans Affairs.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director